

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85951658
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 114
<b>MARK SECTION</b>	
<b>MARK FILE NAME</b>	http://tmng-al.uspto.gov/resting2/api/img/85951658/large
<b>LITERAL ELEMENT</b>	THE ORIGINAL BARRIO FIESTA OF MANILA
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>COLOR(S) CLAIMED (If applicable)</b>	Color is not claimed as a feature of the mark.
<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of a design of a pot, with a lid, over flames and the stylized words The Original Barrio Fiesta of Manila.
<b>ARGUMENT(S)</b>	
<p>The application has been rejected as not registrable over Trademark Registration No. 4,034,365 on BARRIO FIESTA EXPRESS. Applicant, Consuelo Ongpauco-Cauton has filed a petition to cancel this registration. The Petition was filed on May 4, 2016, and the Cancellation Proceeding No. is 9206374.</p> <p>In addition, there is another pending Petition to Cancel, filed the same date of May 4, 2016, by Barrio Fiesta Manufacturing Corporation, which is Cancellation Proceeding No. 92063668.</p> <p>In view of the two pending cancellation proceedings, Applicant respectfully requests that the current application be suspended pending their outcome.</p>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_241998170-20160819200343163015_ . USPTO_TTABVUE.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\859\516\85951658\xml17\RFR0002.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	TTABVUE summary showing cancellation proceedings 92063668 and 92063674
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>MISCELLANEOUS STATEMENT</b>	TTABVUE summary showing cancellation proceedings 92063668 and 92063674
<b>MISCELLANEOUS FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">mis-241998170-20160819200343163015_ . USPTO_TTABVUE.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\859\516\85951658\xml17\RFR0003.JPG</a>
<b>NEW ATTORNEY SECTION</b>	
<b>NAME</b>	David L. Hoffman
<b>FIRM NAME</b>	Hoffman Patent Group

<b>INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER</b>	14-10008
<b>INTERNAL ADDRESS</b>	Suite 204
<b>STREET</b>	28494 Westinghouse Place
<b>CITY</b>	Valencia
<b>STATE</b>	California
<b>ZIP/POSTAL CODE</b>	91355
<b>COUNTRY</b>	United States
<b>PHONE</b>	661-775-0300
<b>FAX</b>	661-775-9423
<b>EMAIL</b>	david@dlhpatent.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes
<b>CORRESPONDENCE SECTION</b>	
<b>ORIGINAL ADDRESS</b>	CONSUELO ONGPAUCO CAUTON 10252 HADLEY AVENUE NORTHRIDGE California US 91324
<b>NEW CORRESPONDENCE SECTION</b>	
<b>NAME</b>	David L. Hoffman
<b>FIRM NAME</b>	Hoffman Patent Group
<b>DOCKET/REFERENCE NUMBER</b>	14-10008
<b>INTERNAL ADDRESS</b>	Suite 204
<b>STREET</b>	28494 Westinghouse Place
<b>CITY</b>	Valencia
<b>STATE</b>	California
<b>ZIP/POSTAL CODE</b>	91355
<b>COUNTRY</b>	United States
<b>PHONE</b>	661-775-0300
<b>FAX</b>	661-775-9423
<b>EMAIL</b>	david@dlhpatent.com;ruth@dlhpatent.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/David L. Hoffman/
<b>SIGNATORY'S NAME</b>	David L. Hoffman
<b>SIGNATORY'S POSITION</b>	Attorney of record, CA bar member
<b>SIGNATORY'S PHONE NUMBER</b>	661-775-0300
<b>DATE SIGNED</b>	08/19/2016
<b>AUTHORIZED SIGNATORY</b>	YES

CONCURRENT APPEAL NOTICE FILED	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Fri Aug 19 20:20:02 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.X.XXX-20 160819202002553190-859516 58-5505c5638501388e9277f4 7832451d7f69bf8825c973884 775c293969c2286749-N/A-N/ A-20160819200343163015

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. **85951658** THE ORIGINAL BARRIO FIESTA OF MANILA (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/85951658/large>) has been amended as follows:

### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

The application has been rejected as not registrable over Trademark Registration No. 4,034,365 on BARRIO FIESTA EXPRESS. Applicant, Consuelo Ongpauco-Cauton has filed a petition to cancel this registration. The Petition was filed on May 4, 2016, and the Cancellation Proceeding No. is 9206374.

In addition, there is another pending Petition to Cancel, filed the same date of May 4, 2016, by Barrio Fiesta Manufacturing Corporation, which is Cancellation Proceeding No. 92063668.

In view of the two pending cancellation proceedings, Applicant respectfully requests that the current application be suspended pending their outcome.

### EVIDENCE

Evidence in the nature of TTABVUE summary showing cancellation proceedings 92063668 and 92063674 has been attached.

#### Original PDF file:

[evi\\_241998170-20160819200343163015\\_.USPTO.TTABVUE.pdf](#)

#### Converted PDF file(s) ( 1 page)

[Evidence-1](#)

### ATTORNEY ADDRESS

Applicant proposes to amend the following:

#### Proposed:

David L. Hoffman of Hoffman Patent Group, having an address of Suite 204 28494 Westinghouse Place Valencia, California 91355

United States

david@dlhpatent.com

661-775-0300

661-775-9423

The attorney docket/reference number is 14-10008 .

### CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

**Current:**

CONSUELO ONGPAUCO CAUTON  
10252 HADLEY AVENUE  
NORTHRIDGE  
California  
US  
91324

**Proposed:**

David L. Hoffman of Hoffman Patent Group, having an address of  
Suite 204 28494 Westinghouse Place Valencia, California 91355  
United States  
david@dlhpatent.com;ruth@dlhpatent.com  
661-775-0300  
661-775-9423  
The docket/reference number is 14-10008 .

**ADDITIONAL STATEMENTS****Miscellaneous Statement**

TTABVUE summary showing cancellation proceedings 92063668 and 92063674

**Original PDF file:**

[mis-241998170-20160819200343163015 . USPTO TTABVUE.pdf](#)

**Converted PDF file(s) ( 1 page)**

[Miscellaneous File1](#)

**SIGNATURE(S)****Request for Reconsideration Signature**

Signature: /David L. Hoffman/ Date: 08/19/2016

Signatory's Name: David L. Hoffman

Signatory's Position: Attorney of record, CA bar member

Signatory's Phone Number: 661-775-0300

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: David L. Hoffman  
Hoffman Patent Group  
Suite 204  
28494 Westinghouse Place  
Valencia, California 91355

Serial Number: 85951658

Internet Transmission Date: Fri Aug 19 20:20:02 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.X.XXX-20160819202002553

190-85951658-5505c5638501388e9277f478324

51d7f69bf8825c973884775c293969c2286749-N

/A-N/A-20160819200343163015

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**TTABVUE. Trademark Trial and Appeal Board Inquiry System****v1.9****Summary****Query:** Proceeding Status is: ALL**and** Mark Name contains all words: "BARRIO FIESTA"**Number of results:** 3**Proceeding Defendant(s),  
Filing Date Property(ies)**

[92063668](#) [June Francis, Ashley Kirsten C, Justin](#)  
05/04/2016 [Christian C Rono](#)  
**Mark:** BARRIO FIESTA EXPRESS  
**S#:**[85243004](#) **R#:**[4034365](#)

[92063674](#) [June Francis Rono, Ashley Kirsten C. Rono,](#)  
05/04/2016 [and Justin Christian C. Rono](#)  
**Mark:** BARRIO FIESTA EXPRESS  
**S#:**[85243004](#) **R#:**[4034365](#)

[92057510](#) [Barrio Fiesta International, Inc.](#)  
07/09/2013 **Mark:** BF THE ORIGINAL BARRIO FIESTA OF  
MANILA **S#:**[74159245](#) **R#:**[1712454](#)

**Plaintiff(s),  
Property(ies)**

[Barrio Fiesta Manufacturing Corporation](#)  
**Mark:** BARRIO FIESTA **S#:**[86528183](#)  
**Mark:** BARRIO FIESTA MANUFACTURING  
CORPORATION **S#:**[78886373](#)  
**Mark:** BARRIO FIESTA BF **S#:**[77179318](#)  
**Mark:** BARRIO FIESTA **S#:**[85384724](#)

[Consueloongpauco-Cauton](#)  
**Mark:** THE ORIGINAL BARRIO FIESTA OF  
MANILA **S#:**[85951658](#)

[Consuelo Ongpauco Cauton](#)  
**Mark:** THE ORIGINAL BARRIO FIESTA OF  
MANILA **S#:**[85951658](#)

Results as of 08/19/2016 07:58 PM

[Search again](#)[.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY POLICY](#)

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**TTABVUE. Trademark Trial and Appeal Board Inquiry System****v1.9****Summary****Query:** Proceeding Status is: ALL**and** Mark Name contains all words: "BARRIO FIESTA"**Number of results:** 3**Proceeding Defendant(s),  
Filing Date Property(ies)**

[92063668](#) [June Francis, Ashley Kirsten C, Justin](#)  
05/04/2016 [Christian C Rono](#)  
**Mark:** BARRIO FIESTA EXPRESS  
**S#:**[85243004](#) **R#:**[4034365](#)

[92063674](#) [June Francis Rono, Ashley Kirsten C. Rono,](#)  
05/04/2016 [and Justin Christian C. Rono](#)  
**Mark:** BARRIO FIESTA EXPRESS  
**S#:**[85243004](#) **R#:**[4034365](#)

[92057510](#) [Barrio Fiesta International, Inc.](#)  
07/09/2013 **Mark:** BF THE ORIGINAL BARRIO FIESTA OF  
MANILA **S#:**[74159245](#) **R#:**[1712454](#)

**Plaintiff(s),  
Property(ies)**

[Barrio Fiesta Manufacturing Corporation](#)  
**Mark:** BARRIO FIESTA **S#:**[86528183](#)  
**Mark:** BARRIO FIESTA MANUFACTURING  
CORPORATION **S#:**[78886373](#)  
**Mark:** BARRIO FIESTA BF **S#:**[77179318](#)  
**Mark:** BARRIO FIESTA **S#:**[85384724](#)

[Consueloongpauco-Cauton](#)  
**Mark:** THE ORIGINAL BARRIO FIESTA OF  
MANILA **S#:**[85951658](#)

[Consuelo Ongpauco Cauton](#)  
**Mark:** THE ORIGINAL BARRIO FIESTA OF  
MANILA **S#:**[85951658](#)

Results as of 08/19/2016 07:58 PM

[Search again](#)[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY POLICY](#)